

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

(1) ALPHA CAPITAL ANSTALT, a)	
Liechtenstein corporation,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-10-1218-D
)	
(1) NESS ENERGY INTERNATIONAL,)	
INC., a Washington corporation; (2) OKT)	
RESOURCES, LLC, an Oklahoma limited)	
liability company; (3) VICEROY, LLC, an)	
Oklahoma limited liability company; and)	
(4) DAVID BOYCE, an individual,)	
)	
Defendants.)	

ORDER

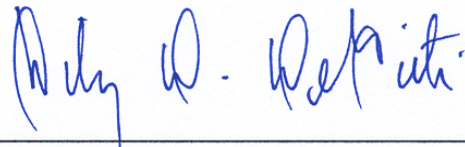
Before the Court is the Parties’ Joint Motion for Declaratory and Injunctive Relief, and to Dismiss all Remaining Claims [Doc. No. 144] (“Joint Motion”). Upon review of the Joint Motion and all other filings in this matter, and for good cause shown, the Court GRANTS the Joint Motion.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that:

1. the preliminary injunctive relief previously granted by the Court in this action, *see* Doc. No. 54, is hereby made permanent. Defendants, Ness Energy International, Inc., OKT Resources, LLC, Viceroy LLC, and David Boyce, and their agents, employees, and all those in active concert with them, are permanently enjoined from holding themselves or any related entity or individual out as the owner of Ness Energy of Israel, Inc. (“Ness Israel”);

2. the Court finds and declares that (a) Ness Energy International, Inc. duly transferred all of the Stock of, and its ownership interest in, Ness Israel to Alpha Capital Anstalt (“Alpha Capital”) on August 19, 2008; (b) that Alpha Capital is the owner of all of the stock of Ness Israel; and (c) that the Defendants have no claims of any nature to, or against, Ness Israel;
3. any and all other claims and counterclaims that remain pending in this litigation are hereby dismissed with prejudice;
4. the Clerk of this Court is directed to refund the \$25,000.00 (along with the interest earned thereon) previously deposited by Alpha Capital as security related to the preliminary injunction, *see* Doc. Nos. 56-57, pursuant to LCvR67.2.

IT IS SO ORDERED this 8th day of May, 2014.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE